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SEP 28 2009

OFFICE OF PETITIONS

In re Application of:
Tomoya Kawasaki : LETTER REGARDING
Application No. 10/563834 : PATENT TERM ADJUSTMENT
Filing or 371(c) Date: 01/09/2006 :
Atty. Docket No. 07367.0003 :

This letter is in response to "NOTICE OF POSSIBLE ERROR IN THE DETERMINATION OF PATENT TERM ADJUSTMENT AND REQUEST FOR CLARIFICATION OF CALCULATION," filed June 29, 2009. The Office thanks applicants for their good faith and candor in bringing this to our attention.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is 463 days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

The Determination of Patent Term Adjustment mailed April 1, 2009 indicated that the above-identified application was entitled to a PTA of 767 days. Applicants indicate that based on applicants' calculation, the patent term adjustment should be 465 days.

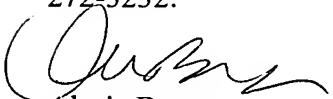
The Office errantly calculated an adjustment in accordance with 37 CFR 1.702(a)(1) in connection with the mailing of the non-final Office action on June 16, 2008. The correct period of adjustment is 563 days and it is based upon the 371 fulfillment date, as shown on the Notice of Acceptance of Application Under 35 U.S.C. § 371 and 37 CFR 1.495, mailed April 6, 2006. The "Date of Completion of all 35 U.S.C. 371 Requirements," or the fulfillment date, is January 11, 2006 (the date that is 30 months after the priority date of July 11, 2003). The adjustment commenced the day after the date that is fourteen months after the date on which the application fulfilled the requirements of 35 U.S.C. 371, March 12, 2006, and ended on the date the non-final Office action was mailed, June 13, 2008.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the Notice of Allowance is **463 days**, ((463 days of PTO delay, reduced by zero (0) days of applicant delay)), subject to any terminal disclaimer.

Given the basis for granting this petition, no fee has been charged. The Office thanks applicants for their candor and good faith in bringing this matter to the attention of the Office.

The file is being forwarded to the Office of Data Management for processing into a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to Attorney Derek Woods, at (571) 272-3232.



Alesia Brown
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Updated PAIR Screen

PTA Calculations for Application: 10/563834

Application Filing Date:	01/09/2006	PTO Delay (PTO):	767
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	463
PTO Delay Adjustment:	-304		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
67	09/21/2009	ADJUSTMENT OF PTA CALCULATION BY PTO	463		
66	09/21/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		767	
58	04/01/2009	MAIL NOTICE OF ALLOWANCE			
57	03/28/2009	DOCUMENT VERIFICATION			
56	03/28/2009	ISSUE REVISION COMPLETED			
54	03/28/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
51	03/27/2009	NOTICE OF ALLOWABILITY			
50	01/29/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
49	01/29/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
48	02/07/2009	DATE FORWARDED TO EXAMINER			
47	01/29/2008	REQUEST FOR CONTINUED EXAMINATION (RCE)			
46	02/07/2009	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
45	01/29/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
44	01/29/2009	WORKFLOW - REQUEST FOR RCE - BEGIN			
43	01/08/2009	FINISHED INITIAL DATA CAPTURE			
42	12/08/2008	EXPORT TO INITIAL DATA CAPTURE			
41	12/03/2008	MAIL NOTICE OF ALLOWANCE			
40	11/29/2008	ISSUE REVISION COMPLETED			
39	11/29/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
38	11/25/2008	DOCUMENT VERIFICATION			
37	11/25/2008	NOTICE OF ALLOWABILITY			
36	11/19/2008	DATE FORWARDED TO EXAMINER			
35	11/13/2008	AMENDMENT AFTER FINAL REJECTION			
34	10/20/2008	MAIL FINAL REJECTION (PTOL - 326)			

33	10/16/2008	FINAL REJECTION			
32	10/08/2008	DATE FORWARDED TO EXAMINER			
31	09/08/2008	RESPONSE AFTER NON-FINAL ACTION			
30	06/16/2008	MAIL NON-FINAL REJECTION	767		5
29	06/13/2008	NON-FINAL REJECTION			
27	01/22/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
26	04/10/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
25	08/01/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
20	10/17/2007	WITHDRAW FLAGGED FOR 5/25			
19	10/17/2007	WITHDRAW FLAGGED FOR 5/25			
18	10/15/2007	FLAGGED FOR 5/25			
17	10/15/2007	FLAGGED FOR 5/25			
16	08/01/2007	REFERENCE CAPTURE ON IDS			
15	08/01/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
14	08/01/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
13.7	01/22/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
13	01/22/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
12	05/05/2006	CASE DOCKETED TO EXAMINER IN GAU			
11	04/20/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
10.7	04/10/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10	04/10/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
5	01/11/2006	371 COMPLETION DATE			
4	04/06/2006	APPLICATION DISPATCHED FROM OIPE			
3	04/06/2006	NOTICE OF DO/EO ACCEPTANCE MAILED			
2	01/23/2006	CLEARED BY OIPE CSR			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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